

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13046, of John Williams, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy and rear yard requirements (Sub-sections 3303.1 and 3304.1) to construct a rear addition to a row dwelling in an R-4 District at the premises 1129 Abbey Place, N.E. (Square 773, Lot 188).

HEARING DATE: September 19, 1979

DECISION DATE: September 19, 1979 (Bench Decision)

FINDINGS OF FACT:

1. Abbey Place is a block long street between L and M Streets which bisects Square 773. The subject premises is located on the east side of Abbey Place and is known as 1129 Abbey Place, N.E. It is in an R-4 District.

2. The subject lot is approximately sixty-four feet deep and sixteen feet wide. It is improved with a two story and basement row dwelling.

3. With the exception of a three story apartment building on the northwest corner of the intersection of Abbey Place and L Street, two story row dwellings line both sides of the street. The homes are attractive and well maintained.

4. Approximately one-fourth of the homes on Abbey Place have rear additions. The rear yards of the homesfronting on 4th Street have very shallow rear yards, approximately eight to ten feet.

5. The applicant has partially completed the construction of an eight by sixteen foot one story addition at the rear of the subject property. The addition is used as a family room and is to the rear of the kitchen and dining room of the dwelling.

6. The addition is constructed at the first floor level, above ground. A parking space is provided under the addition.

7. A building permit application for the addition was approved on July 14, 1978, based on plans which complied with all zoning requirements. A wall check of the property disclosed that the construction did not conform with the approved plans.

8. A variance from the lot occupancy requirements of 17.31 square feet or three per cent is requested as well as a variance from the rear yard requirements of 3.15 feet or 15.75 per cent.

9. Many property owners on the subject street appeared at the public hearing in favor of the application. They testified that they also were planning to put on additions to their homes. They testified that the additions were practical, increased the beauty of the neighborhood and increased the value of their homes.

10. The Office of Planning and Development, by report dated September 14, 1979, recommended that the application be approved on the grounds that to require the applicant to remove that portion of the addition which does not comply with the Zoning Regulations does not appear warranted in this case. The removal of the offending portion would not materially affect the light, air and ventilation of adjoining properties and would undoubtedly be costly to the applicant. The Board so finds.

11. Advisory Neighborhood Commission 2C made no recommendation on the application.

12. There was no opposition to the application.

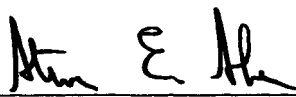
CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing of a practical difficulty upon the owner of the property that stems from the property itself. The Board concludes that the practical difficulty is the smallness of the lot dimensions. The Board notes that the existence of many rear additions on the subject block, the lack of opposition to the application and the many property owners who appeared in favor of the application. The Board also notes the good faith on the part of the applicant. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, Chloethiel Woodard Smith, Charles R. Norris, and William F. McIntosh to GRANT; Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 8 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.